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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/071,808

02/06/2002

Steve Smith

01112

2848

7590

05/06/2004

James G. O'Neill
KLEIN, O'NEILL & SINGH
2 Park Plaza
Suite 510
Irvine, CA 92614

EXAMINER

PHAM, LAM P

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,808

Applicant(s)

SMITH ET AL.

Examiner

Lam P Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Mehaffey et al. (US 5,283,549) in view of Kim (US 6,278,884) and Hall et al. (US 4,742,336).

Regarding claim 1, Mehaffey discloses an intrusion detection radio device including the following subject matters:

a low-cost portable body (11) having an infrared motion sensor (17) as seen in Figure 1; col. 2, lines 15-21. Low cost or high cost is a relative term. Since all inventors would like to have their products to be designed economically having a low-cost body or housing as well as other components in their products in order to make profit in a competitive market, thus the portable body of Mehaffey' s device is also a low-cost body.

a microprocessor (32) held in the low-cost portable body and connected to the infrared motion sensor; the microprocessor including means to activate an audio output in response to receipt of a signal signifying that a motion has been detected by the

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infrared motion sensor as seen in Figures 3; col. 2, lines 14-57, col. 4, lines 44-51 and col. 5, lines 2-32.

a record/playback device (CODEC chip 57 plus transceiver 51 plus EPROM 43) having a non-volatile storage medium (EPROM 43) held in the portable body for storing the audio output as seen in figure 3; col. 7, lines 19-54 and col. 13, lines 23-30 and col. 14, lines 34-61.

the low-cost portable body (11) including a base (12) and a back (bottom side of the base) for selectively supporting the intrusion detection radio device in an upright position in an area to be monitored.

Mehaffey fail to disclose the record/playback device having a microphone for recording ambient sound.

Kim teaches of a portable information communication and intrusion device having a record/playback device (audio capture 44) having a microphone (24) for recording intrusion or ambient sound when triggered by an infrared motion sensors (16) for reporting live to the police at the central office as seen in Figures 1-4; col. 2, lines 43-67 and col. 3, lines 1-51. In view of Kim's teaching, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to incorporate a microphone for recording intrusion or ambient sound for broadcasting or transmitting together with the prerecorded audio output of Mehaffey in order to notify an authority of an intrusion's location as well as capturing the ambient sounds for analyzing to recover lost properties or to identify the suspects.

Mahaffey fails to expressly disclose a port in the body for plugging in a transceiver adapted to be activated by the microprocessor to receive and broadcast the audio output and the ambient sound. However, Mehaffey discloses the radio transceiver (28) is being connected to the microprocessor board (22) through a set of cables as seen in col. 5, lines 2-6.

Hall et al. teach of a port on body of the portable intrusion detection warning system for plugging in a receptacle (28) of transceiver such as a standard phone which receives and transmits audio information as well as other data over a hard-wired phone line as seen in Figure 1; col. 6, lines 2-15; it has been well known to use either wired or wireless transmission such as cellular communication. The use of a separate transceiver greatly increase the versatility of the portable intrusion system since the transceiver can be placed at any desired position that provides the best possible transmission of information in order to avoid interference.

In view of Hall's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an output port in the body of the portable intrusion system of Mehaffey for plugging a transceiver in order to increase the versatility of the system.

Regarding claim 10, Mehaffey discloses the body has a front (a side of column 14) with an opening formed therein, and the infrared motion detector (17) extends through the opening as seen in Figures 1 and 2.

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3. Claims 2-9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehaffey et al. in view of Kim (US 6,278,884), Hall et al. and Conklin 4,059,832).

Regarding claim 2, Mehaffey discloses the low-cost portable body includes an internal power source (27) as seen in Figure 2; col. 4, lines 52-64.

However, Mehaffey, Kim and Hall still fail to disclose the back of the body includes a securing means.

Conklin teaches of a securing means including an adjustable hanger bracket and spring hinge construction on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the device to different desired position and location in the house to meet the user's application.

Regarding claims 3 and 4, Mehaffey, Kim, Hall and Conklin fail to further disclose the securing means is a hook and loop fastener and a magnetic holding strip. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a bracket, a magnetic strip, a suction cup or removable adhesives for mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to

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facilitate the attachment of the intrusion alarm to different surfaces, location, position detachably.

Regarding claim 5, Mehaffey discloses the body has a front (a side of column 14) with an opening formed therein, and the infrared motion detector (17) extends through the opening as seen in Figures 1 and 2.

Regarding claim 6, Mehaffey discloses the intrusion detection radio device includes a battery power source (27), and the microprocessor includes a means to switch power on and off to prolong the battery life as seen in col. 8, lines 42-58.

Regarding claim 7, Mehaffey, Kim and Hall fail to disclose the back of the body includes a securing means.

Conklin teaches of a securing means on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the device to different desired position and location in the house to meet the user's application.

Regarding claims 8 and 9, Mehaffey, Kim, Hall and Conklin fail to further disclose the securing means is a magnetic holding strip and a hook and loop fastener. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a bracket, a magnetic holding strip, a suction cup or removable adhesives for

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mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to facilitate the attachment of the intrusion alarm to different surfaces, location, position either permanently or detachably as they have been well known.

Regarding claim 11, Mehaffey discloses an intrusion detection radio device including the following subject matters:

a low-cost portable body (11) having an infrared motion sensor (17) as seen in Figure 1; col. 2, lines 15-21. Low cost or high cost body is a relative term. Since all inventors would like to have their products to be designed economically having a low-cost body or housing as well as other components in their products in order to make profit in the competitive market, thus, the portable body of Mehaffey 's device is also a low-cost body.

the portable body including a base (12), a front (any side of column 14) , two sides (other two sides of the column), a top (cap 31) and a back (bottom side of the base);

a microprocessor (32) held in the body and connected to the infrared motion sensor and a battery held in the body (27); the microprocessor including means to activate a tone or voice recorded on a device held in the body, in response to motion detected by the infrared motion sensor as seen in Figures 3; col. 2, lines 14-57, col. 4, lines 44-51 and col. 5, lines 2-32.

the device in the portable body being a record/playback device (CODEC chip 57 plus transceiver 51 plus EPROM 43) having a non-volatile storage medium (EPROM 43) for storing the synthesized tone or voice as seen in figure 3; col. 7, lines 19-54 and col. 13, lines 23-30 and col. 14, lines 34-61.

Mehaffey fail to disclose the record/playback device having a microphone for recording ambient sound.

Kim teaches of a portable information communication and intrusion device having a record/playback device (audio capture 44) having a microphone (24) for recording ambient sound when triggered by an infrared motion sensors (16) for reporting live to the police at the central office for analyzing as seen in Figures 1-4; col. 2, lines 43-67 and col. 3, lines 1-51. In view of Kim's teaching, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to incorporate a microphone for recording intrusion or ambient sound for broadcasting or transmitting together with the prerecorded audio output in order to notify an authority of an intrusion's location as well as capturing the intrusion sound for analyzing to recover lost properties and to identify the suspects.

Mahaffey fail to expressly disclose a port in the body for plugging in a transceiver adapted to be activated by the microprocessor to receive and broadcast the synthesize tone or voice and ambient sound. However, Mehaffey disclose the radio transceiver (28) is being connected to the microprocessor board (22) through a set of cables as seen in col. 5, lines 2-6. However,

Hall et al. teach of a port on body of the portable intrusion detection warning system for plugging in a receptacle (28) of transceiver such as a standard phone which receives and transmits audio information as well as other data over a hard-wired phone line as seen in Figure 1; col. 6, lines 2-15; it has been well known to use either wired or wireless transmission such as cellular communication. The use of a separate transceiver greatly increase the versatility of the portable intrusion system since the transceiver can be placed at any desired position that provides the best possible transmission of information in order to avoid interference.

In view of Hall's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a port in the body of the portable intrusion system of Mehaffey for plugging a transceiver in order to increase the versatility of the system.

Mehaffey, Kim, and Hall still fail to disclose a means mounted on the back of the body for supporting the body on a vertical surface.

Conklin teaches of a securing means on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the device to different desired position and location in the house to meet the user's application.

Regarding claims 12-13, Mehaffey, Kim, Hall and Conklin fail to further disclose the securing means is a hook and loop fastener and a magnetic holding strip. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a bracket, a magnetic strip, a suction cup or removable adhesives for mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to facilitate the attachment of the intrusion alarm to different surfaces, location, position detachably.

Regarding claim 14, Mehaffey discloses the microprocessor includes a means to switch power on and off to prolong the battery life as seen in col. 8, lines 42-58.

Regarding claim 15, Mehaffey discloses an intrusion detection radio device including the following subject matters:

a low-cost portable body having a base (12), a front (any side of column 14), two sides, a top (cap 31) and a back (bottom side of the base); low cost or high cost body is a relative term and all inventors would like to have their products to be designed economically and having a low-cost body or housing as well as other components in their products in order to make profit in the competitive market. Therefore, the portable body of Mehaffey's device is also a low-cost body.

an infrared motion sensor (17) held in the body and extending through an opening formed in the front as seen in Figure 1.

a microprocessor (32) held in the body and connected to the infrared motion sensor and a battery (27) held in the body; the microprocessor including means to activate a tone or voice recorded on an analog record/playback device (CODEC chip 57 plus transceiver 51 plus EPROM 43) having a non-volatile storage medium (EPROM 43) held in the body, in response to motion detected by the infrared motion sensor as seen in Figures 3; col. 2, lines 14-57, col. 4, lines 44-51 and col. 5, lines 2-32.

Mehaffey fail to disclose the record/playback device having a microphone for recording ambient sound.

Kim teaches of a portable information communication and intrusion device having a record/playback device (audio capture 44) having a microphone (24) for recording intrusion or ambient sound and video capture (46) for capturing images of the intrusion when triggered by an infrared motion sensors (16) for transmitting or reporting to the police at the central office for analyzing as seen in Figures 1-4; col. 2, lines 43-67 and col. 3, lines 1-51. In view of Kim's teaching, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to incorporate a microphone for recording intrusion or ambient sound and images for broadcasting or transmitting together with the prerecorded audio output of Mehaffey in order to notify an authority of an intrusion's location as well as capturing the ambient sounds and image for analyzing to recover lost properties or to identify the suspects.

Mahaffey fails to disclose a port in the body for plugging in the transceiver and the transceiver activated by the microprocessor to receive and broadcast the synthesized tone or voice and ambient sound or pictures. However, Mehaffey discloses

the radio transceiver (28) is being connected to the microprocessor board (22) through a set of cables as seen in col. 5, lines 2-6 to receive and broadcast synthesized tone or voice.

Hall et al. teach of a port on body of the portable intrusion detection warning system for plugging in a receptacle (28) of transceiver such as a standard phone which receives and transmits audio information as well as other data over a hard-wired phone line as seen in Figure 1; col. 6, lines 2-15; it has been well known to use either wired or wireless transmission such as cellular communication. The use of a separate transceiver greatly increase the versatility of the portable intrusion system since the transceiver can be placed at any desired position that provides the best possible transmission of information in order to avoid interference. In view of Hall's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a port in the body of the portable intrusion system of Mehaffey for plugging a transceiver in order to increase the versatility of the system.

Mehaffey, Kim and Hall still fail to disclose a means mounted on the back of the body for supporting the body on a vertical surface.

Conklin teaches of a securing means on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the

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device to different desired position and location in the house to meet the user's application.

Regarding claims 16-17, Mehaffey, Hall, Kim and Conklin fail to further disclose the securing means is a hook and loop fastener and a magnetic holding strip. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a bracket, a magnetic strip, a suction cup or removable adhesives for mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to facilitate the attachment of the intrusion alarm to different surfaces, location, position detachably.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rodhall et al. (US 5,463,595) disclose a portable security system.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 703-306-4181. The examiner can normally be reached on 8AM-6PM.

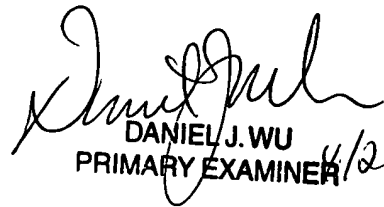
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Lam Pham
April 28, 2004


DANIEL J. WU
PRIMARY EXAMINER 4/29/04